

No. _____

**In the
Supreme Court of the United States**

ALLISON NGUYEN,

Petitioner,

v.

STATE OF LOUISIANA,

Respondent.

**On Petition for a Writ of Certiorari to the
Fifth Circuit Court of Appeal, State of Louisiana**

PETITION FOR A WRIT OF CERTIORARI

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June 29, 2026

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SUPREME COURT PRESS



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BOSTON, MASSACHUSETTS

QUESTION PRESENTED

Does a defendant have a right to a jury trial in a misdemeanor domestic violence offense where the penalty carries up to six months in jail, a \$1,000.00 fine, loss of all Second Amendment rights under federal law, loss of Second Amendment rights under state law, and can never be expunged?

PARTIES TO THE PROCEEDINGS

Petitioner

- Allison Nguyen

Respondent

- State of Louisiana

CORPORATE DISCLOSURE STATEMENT

There is no corporate petitioner.

LIST OF PROCEEDINGS

Supreme Court of Louisiana

No. 2025-K-01475

State of Louisiana v. Allison Nguyen

Order Denying Writ Application: May 12, 2026

Fifth Circuit Court of Appeals, State of Louisiana

No. 25-KP-312

State of Louisiana v. Allison Nguyen

Opinion: November 12, 2025

Fifth Circuit Court of Appeals, State of Louisiana

No. 25-K-255

State of Louisiana v. Allison Nguyen

Order Denying Supervisory Writ: June 13, 2025

Louisiana 24th Judicial District Court
(Jefferson Parish)

No. 24-5360

State of Louisiana v. Allison Nguyen

Sentencing: June 25, 2025

Louisiana 24th Judicial District Court
(Jefferson Parish)

No: 22411195

State of Louisiana v. Allison Nguyen

Louisiana Uniform Abuse Prevention Order:
October 23, 2024

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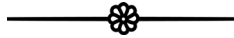
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OPINIONS BELOW

The Louisiana Fifth Circuit Court of Appeals issued its opinion in No. 25-KP-312, on November 12, 2025. (App.3a). The Louisiana Supreme Court denied a writ application, in No. 2025-K-01475, on May 12, 2026. (App.1a).



JURISDICTION

The judgment of the Louisiana Supreme Court was entered on May 12, 2026. This Court has jurisdiction under 28 U.S.C. § 1257(a). Federal subject matter jurisdiction of this Court is invoked under its application of the Sixth Amendment of the United States Constitution which guarantees the right to a public trial by an impartial jury as applied to the State under the due process clause of the Fourteenth Amendment of the United States Constitution. These issues were timely raised in the trial court (App.46a), as the principal issues on appeal in both the Louisiana Appeals Court and Louisiana Supreme Court.



CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. amend. VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

U.S. Const. amend. XIV, § 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



STATEMENT OF THE CASE

The boyfriend did not testify nor appear in court. The abusive boyfriend told her “Wait ‘til we get home.” The defendant took that as a threat. The defendant has a photograph of a bruise on her face from prior abuse. The boyfriend has six previous convictions for various crimes.

The defendant would have most certainly been acquitted before a jury. Domestic abuse battery (La. R.S. 14:35.3) carries a sentence of six months Parish Prison and a \$1000.00 fine. Domestic abuse battery negates Second Amendment rights under federal law and negates gun rights in Louisiana for ten years from the end of sentence. It can never be expunged. It is a “serious offense.”

Prior to trial the defense moved for a jury trial. The trial court denied the jury trial. The defense took a writ to the Louisiana Fifth Circuit Court of Appeal who denied the writ, but stated, “Therefore, although the offense with which Relator is charged is a serious offense, it is not punishable by more than six months imprisonment,” (App.45a). The Louisiana Fifth Circuit refused to review its pre-trial writ decision in its post-trial writ. The Louisiana Supreme Court denied the defendant’s writ on May 12, 2026. (App.1a).



REASONS FOR GRANTING THE WRIT

The court erred when it failed to grant a jury trial. The right to a jury trial is to protect an accused from the “over-jealous prosecutor” and the “compliant, bias or eccentric judge” *Duncan v. Louisiana*, 391 U.S. 145 (1968). The United States Supreme Court has stated that although six months was a rule set by *Baldwin v. New York*, an accused may show that the statutory penalty is so severe that the case is “serious” and jury trial is warranted. *Blanton v. City of Las Vegas*, 489 U.S. 538 (1989). *Baldwin v. New York*, 399 U.S. 66 (1970). The constitution of the United States never suggested a judge trial was required. United States Constitution Sixth Amendment.

- (1) Six months imprisonment; 30 days to 6 months incarcerated.
- (2) 48 hours is mandatory incarceration without parole or suspension of sentence.
- (3) The court honored the domestic abuse program
- (4) No gun possession ten years post-sentence.
- (5) 8-8 hour days of court approved community service.
- (6) Court monitored domestic abuse program; La. R.S. 14:35.3.

In addition, a misdemeanor conviction for domestic battery can never be expunged. It is on a person’s record for life.

The prosecution considers domestic violence a serious offense. The prosecution talks out of both sides of their mouth. They believe misdemeanor domestic abuse is so serious that they will take federal grant money to prosecute it but at the same time argue it is not so serious that citizens of Jefferson Parish should be allowed to decide the cases.

The Supreme Court of Nevada has ordered jury trials in domestic abuse cases. The state is a conservative western state that values Second Amendment rights to own and possess firearms. (U.S. Const. amend. II). The Nevada Supreme Court stated:

Because our statutes now limit the right to bear arms for a person who has been convicted of misdemeanor battery constituting domestic violence, the Legislature has determined that the offense is a serious one. And, given this new classification of the offense, a jury trial is required.

Anderson v. Eight Judicial District, 135 Nev. Adv. Op. 42 (2019).

The prosecution, the Louisiana Appellate Court and the United States government consider domestic violence a “serious” offense. Dictionary.com defines serious as “requiring deep thought and careful consideration, rather than being humorous or trivial.” Serious should not have different meanings to suit the whim of the prosecution.



CONCLUSION

For the reasons stated above, this petition should be granted.

Respectfully submitted,

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